

## REMARKS

Claims 3, 5, 6, 17, 19, 20, 22, and 30 – 46 are now pending in the application. Claims 9 – 30 as filed have been renumbered as Claims 8 – 29. By this paper, Claims 3, 5, 17, 19, 20, and 22 have been amended, Claims 1, 2, 4, 7 – 16, 18, 21, and 23 – 29 have been cancelled without prejudice or disclaimer of the subject matter contained therein, and Claims 30 – 46 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## REJECTION UNDER 35 U.S.C. § 112

Claims 4, 10, 14, 19, 20, and 24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 4, 10, 14, and 24 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, Applicant respectfully submits that the rejection of Claims 4, 10, 14, and 24 is moot. Applicant fails to understand what Examiner finds indefinite in Claims 19 and 20, and respectfully requests the Examiner to point out with more particularity why these claims are rejected.

## REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1 – 6, 15 – 20, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takamura (U.S. Pat. No. 5,730,480).

Claims 7 – 14, 21, and 23 – 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takamura (U.S. Pat. No. 5,730,480) in view of the prior art as admitted by Applicant.

These rejections are respectfully traversed.

Independent Claims 1, 9, 16, and 24 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, Applicant respectfully submits that this rejection is moot. Reconsideration and withdrawal is respectfully requested.

#### **NEW CLAIMS**

Independent Claims 30 and 35 have been added and call for a latch assembly that self-adjusts for variations in striker position. A first plurality of teeth (34) ratchets along a second plurality of teeth (44) when the locking member (12) is urged to rotate clockwise by a striker (28). The locking member (12) thus rotates to accommodate the striker position, so that variations in striker position do not affect the security of the engagement of the latch. See Specification at Paragraphs 12 – 14 and FIGS. 1 and 3. Amended Claim 30 recites an “engaging member rotatably supported by [a] housing [and] having... a first plurality of teeth; [and] a locking member having... a second plurality of teeth in ratcheting engagement with said first plurality of teeth...” Claim 35 recites a similar feature.

Additionally, independent Claims 33 and 41 have been added and call for a latch assembly with teeth that apply a component of the biasing element force to the engaging member to create opposing moments which encourage engagement between the

engaging member and the locking member. In one embodiment shown in FIG. 2 of the specification, the first and second plurality of teeth have engaging faces aligned such that the component forces extending normal from the engaging faces of the teeth as a result of the force of the biasing element place a moment on the engaging member and an opposing moment on the locking member. These moments both tend to maintain the engagement between the engaging member and locking member. Claim 33 recites “a first moment to be applied to said locking member and a reactive moment to be applied to said engaging member, said reactive moment opposing said first moment.” Claim 41 recites a similar feature.

Applicant submits that Takamura discloses a latch that is not adjustable for variations in striker position. The latch of Takamura is secured by manipulating the latch toward a striker (18). The striker (18) urges a locking member (31) in a clockwise direction until a locking member pawl (59) engages an engaging member pawl (45), securing the locking member (31) and restraining the striker (18) within a slot (23). The position of locking member (31) is defined by the location of an axis (37) on which it pivots, and the engagement between locking member pawl (59) and engaging member pawl (45). Therefore, once it is engaged, the locking member (31) cannot rotate further about axis (37), thus preventing the latch from adjusting to accommodate variations in striker position. This may prevent proper engagement of the latch as the striker and other parts wear over time. Additionally, Takamura requires a second biasing member (67). The first biasing member (39), if attached directly to the operating lever (51), would tend to rotate the operating lever (51) in a clockwise direction, thus disengaging the engaging member (33) from the locking member (31), and unlatching the latch from

the striker (18). The second biasing member (67) is therefore required for maintaining the latch of Takamura to the striker.

Applicant next submits that the prior art admitted in the specification also does not teach a self-adjusting engagement between the locking member and the engaging member. The admitted prior art has pluralities of teeth on the engaging member and on the locking member which are equal in number, thus preventing the teeth disposed upon the engaging member from ratcheting along the teeth disposed on the locking member. The locking member thus cannot adjust for variations in striker position.

Additionally, both Takamura and the admitted prior art disclose teeth on the locking member that are aligned such that the component of the biasing element force applied to the engaging member by the engaging face of the teeth disposed on the locking member tends to bias the engaging member out of engagement with the locking member. These component forces create a moment working in opposition to the force of the biasing element, as discussed at paragraph 2 of the specification.

It is therefore respectfully submitted that the combination of Takamura and the prior art as admitted in the specification does not anticipate nor render obvious Claims 30, 33, 35, and 41. There is no suggestion or motivation in the admitted prior art or Takamura to modify those devices as the present invention. It is therefore believed that Claims 30, 33, 35, and 41 are in condition for allowance. Further, Claims 3, 5, 6, 17, 19, 20, 22, 31, 32, 34, 36 – 40, and 42 – 46 depend from Claims 30, 33, 35, and 41, and are therefore also believed to be in condition for allowance for the reasons cited above. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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